

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CITY OF ISSAQUAH, a municipal  
corporation,

Plaintiff,

v.

ORA TALUS 90, LLC, a Delaware limited  
liability company; and RESMARK EQUITY  
PARTNERS, LLC, a Delaware limited liability  
company,

Defendants.

AND RELATED COUNTERCLAIMS,  
CROSSCLAIMS, AND THIRD-PARTY  
CLAIMS

Case No.: 18-cv-00910 RSM

STIPULATION AND ORDER TO EXTEND  
CERTAIN DEADLINES

The parties respectfully submit this joint request for an Order to Extend Certain Deadlines pursuant to LCR 16(b)(6). Due the number of parties, the complexity of the facts and issues involved in the case, and the number of fact witness depositions that the parties anticipate completing (some of which are anticipated to require depositions being taken out of state), the parties will need additional time to complete both lay witness and expert discovery. The parties are cooperating in good faith to complete the anticipated discovery in a timely and efficient manner

and coordinating with each other to schedule the fact depositions to be completed on or before the date proposed below.

Given these circumstances, all parties seek extension of the following deadlines (Dkt. Nos. 84, 85):

**Motions related to discovery filing deadline**

Current deadline: January 16, 2020

Requested deadline: March 19, 2020

**Lay discovery completed by**

Current deadline: February 14, 2020

Requested deadline: April 14, 2020

**Expert Disclosures pursuant to FRCP 26(a)(2)**

Current deadline: March 27, 2020

Requested deadline: May 1, 2020

**Service of Expert Rebuttal Reports pursuant to FRCP 26(a)(2)**

Current deadline: April 28, 2020

Requested deadline: May 29, 2020

**Commencement of expert depositions**

Current deadline: May 26, 2020

Requested deadline: June 5, 2020

**Expert discovery completed by**

Current deadline: July 17, 2020

Requested deadline: July 22, 2020

**All dispositive motions and motions challenging experts must be filed by**

Current deadline: July 30, 2020

Requested deadline: August 7, 2020

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated this 16<sup>th</sup> day of January, 2020.

CAIRNCROSS & HEMPELMANN, P.S.

By: s/Terence J. Scanlan

By: s/Patricia A. Laughman

Terence J. Scanlan, WSBA #19498  
Patricia A. Laughman, WSBA # 46716  
524 Second Avenue, Suite 500  
Seattle, WA 98104-2323  
Telephone: 206-623-6501  
Facsimile: 206-447-1973  
Email: tscanlan@cairncross.com  
Email: plaughman@cairncross.com

*Attorneys for the City of Issaquah*

BROWN WHITE & OSBORN LLP

By: s/Cynthia M. Cohen

Cynthia M. Cohen, Admitted Pro Hac  
Vice  
333 S. Hope Street, Suite 4000  
Los Angeles, CA 90071  
Tel: 213.613.0500  
Fax: 213.613.0550  
E-Mail: ccohen@brownwhitelaw.com

*Attorneys for ORA Talus 90, LLC and  
Resmark Equity Partners, LLC*

FOSTER GARVEY PC

By: s/Jack P. Zahner

Jack P. Zahner, WSBA #24505  
1111 Third Avenue, Suite 3000  
Seattle, WA 98101  
Telephone: 206-689-8500  
Email: jack.zahner@fooster.com

*Attorneys for J.R. Hayes & Sons, Inc, Talus*

KEATING, BUCKLIN & MCCORMACH,  
INC., P.S.

By: s/Michael C. Walter

Michael C. Walter, WSBA #15044  
801 Second Avenue, Suite 1210  
Seattle, WA 98104  
Telephone: 206-623-8861  
Email: mwalter@kbmlawyers.com

*Attorneys for the City of Issaquah*

HARRIGAN LEYH FARMER & THOMSEN  
LLP

By: s/Tyler L. Farmer

By: s/Kristin E. Ballinger

Tyler L. Farmer, WSBA #39912  
Kristin E. Ballinger, WSBA #28253  
999 Third Avenue, Suite 4400  
Seattle, WA 98104  
Telephone: (206) 623-1700  
Fax: (206) 623-8717  
Email: tylerf@harriganleyh.com  
Email: kristinb@harriganleyh.com

*Attorneys for ORA Talus 90, LLC and Resmark  
Equity Partners, LLC*

STOEL RIVES LLP

By: s/Patrick Mullaney

Patrick Mullaney, WSBA #21982  
600 University Street, Suite 3600  
Seattle, WA 98101  
Telephone: (206) 624.0900  
Fax: (206) 386.7500  
Email: Patrick.mullaney@stoel.com

7 & 8, LLC, and Talus Management  
Services LLC

Attorneys for J.R. Hayes & Sons, Inc, Talus 7 &  
8, LLC, and Talus Management Services LLC

PREG O'DONNELL & GILLET PLLC

By: s/John K. Butler

By: s/Stephanie Ballard

John K. Butler, WSBA #28528  
Stephanie Ballard, WSBA #49268  
901 5<sup>th</sup> Avenue, Suite 3400  
Seattle WA 98164  
Telephone: 206-287-1775  
Email: jbutler@pregodonnell.com  
Email: sballard@pregodonnell.com

Attorneys for J.R. Hayes & Sons, Inc.

WILLIAMS, KASTNER & GIBBS PLLC

CLEMENT & DROTZ, PLLC

By: s/Dean G. von Kallenbach

By: s/Theresa Rava

Dean G. von Kallenbach, WSBA  
#12870  
Theresa Rava, WSBA #53159  
601 Union Street, Suite 4100  
Seattle, WA 98101-2380  
Telephone: 206-628-6600  
Fax: 206-628-6611  
Email: dvonkallenbach@williamskastne  
r.com  
Email: trava@williamskastner.com

By: s/W. Scott Clement

By: s/Brent Hardy

W. Scott Clement, WSBA #16243  
Brent Hardy, WSBA #45405  
100 W. Harrison Street, Suite N350  
Seattle, WA 98119  
Telephone: 206-448-2565  
Fax: 206-448-2235  
Email: sclement@clementdrotz.com  
Email: bhardy@clementdrotz.com

Attorneys for Joshua Freed

Attorneys for Element Residential Inc.,  
Terra Talus, LLC and Joshua Freed

FORSBERG & UMLAUF, P.S.

WILSON SMITH COCHRAN DICKERSON

By: s/A. Grant Lingg

By: s/Vicky L. Strada

A. Grant Lingg, WSBA #24227  
Vicky L. Strada, WSBA #34559  
901 Fifth Avenue, Suite 1400  
Telephone: 206-689-8500  
Email: glingg@foum.law  
Email: vstrada@foum.law

By: s/Whitney L.C. Smith

By: s/Gabriella Wagner

By: s/Brian Buron

Whitney L.C. Smith, WSBA #21159  
Gabriella Wagner, WSBA #42898  
Brian Buron, WSBA #27206  
901 5<sup>th</sup> Ave., Suite 1700  
Seattle, WA 98164-2050

*Attorneys for Terra Associates, Inc.*

Telephone: 206-623-4100  
Fax: 206-623-9273  
Email: smithw@wscd.com  
Email: wagner@wscd.com  
Email: buron@wscd.com

*Attorneys Terra Talus, LLC*

OLES MORRISON RINKER & BAKER  
LLP

FLOYD PFLUEGER & RINGER, P.S.

By: s/Bradley L. Powell

Bradley L. Powell, WSBA #11158  
701 Pike Street, Suite 1700  
Seattle, WA 98101  
Telephone: 206-623-3427  
Email: powell@oles.com

By: s/Douglas K. Weigel

By: s/Amanda D. Daylong

Douglas K. Weigel, WSBA #27192  
Amanda D. Daylong, WSBA #48013  
200 W. Thomas Street, Suite 500  
Seattle, WA 98119  
Telephone: 206-441-4455  
Email: dweigel@floyd-ringer.com  
Email: adaylong@floyd-ringer.com

*Attorneys for Kulchin Foundation Drilling  
Company*

*Attorneys for Big Mountain Enterprises*

PURSUANT TO STIPULATION, IT IS SO ORDERED this 17<sup>th</sup> day of January 2020.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

CAIRNCROSS & HEMPELMANN, P.S.

By: s/Terence J. Scanlan

By: s/Patricia A. Laughman

Terence J. Scanlan, WSBA #19498  
Patricia A. Laughman, WSBA # 46716  
524 Second Avenue, Suite 500  
Seattle, WA 98104-2323  
Telephone: 206-623-6501  
Facsimile: 206-447-1973  
Email: tscanlan@cairncross.com  
Email: plaughman@cairncross.com

*Attorneys for the City of Issaquah*

BROWN WHITE & OSBORN LLP

By: s/Cynthia M. Cohen

Cynthia M. Cohen, Admitted Pro Hac  
Vice  
333 S. Hope Street, Suite 4000  
Los Angeles, CA 90071  
Tel: 213.613.0500  
Fax: 213.613.0550  
E-Mail: ccohen@brownwhitelaw.com

*Attorneys for ORA Talus 90, LLC and  
Resmark Equity Partners, LLC*

FOSTER PEPPER PLLC

By: s/Jack P. Zahner

Jack P. Zahner, WSBA #24505  
1111 Third Avenue, Suite 3000  
Seattle, WA 98101  
Telephone: 206-689-8500  
Email: jack.zahner@fooster.com

*Attorneys for J.R. Hayes & Sons, Inc, Talus  
7 & 8, LLC, and Talus Management*

KEATING, BUCKLIN & MCCORMACH,  
INC., P.S.

By: s/Michael C. Walter

Michael C. Walter, WSBA #15044  
801 Second Avenue, Suite 1210  
Seattle, WA 98104  
Telephone: 206-623-8861  
Email: mwalter@kbmlawyers.com

*Attorneys for the City of Issaquah*

HARRIGAN LEYH FARMER & THOMSEN  
LLP

By: s/Tyler L. Farmer

By: s/Kristin E. Ballinger

Tyler L. Farmer, WSBA #39912  
Kristin E. Ballinger, WSBA #28253  
999 Third Avenue, Suite 4400  
Seattle, WA 98104  
Telephone: (206) 623-1700  
Fax: (206) 623-8717  
Email: tylerf@harriganleyh.com  
Email: kristinb@harriganleyh.com

*Attorneys for ORA Talus 90, LLC and Resmark  
Equity Partners, LLC*

STOEL RIVES LLP

By: s/Patrick Mullaney

Patrick Mullaney, WSBA #21982  
600 University Street, Suite 3600  
Seattle, WA 98101  
Telephone: (206) 624.0900  
Fax: (206) 386.7500  
Email: Patrick.mullaney@stoel.com

*Attorneys for J.R. Hayes & Sons, Inc, Talus 7 &*

*Services LLC*

*8, LLC, and Talus Management Services LLC*

PREG O'DONNELL & GILLET PLLC

By: s/John K. Butler

By: s/Stephanie Ballard

John K. Butler, WSBA #28528  
Stephanie Ballard, WSBA #49268  
901 5<sup>th</sup> Avenue, Suite 3400  
Seattle WA 98164  
Telephone: 206-287-1775  
Email: jbutler@pregodonnell.com  
Email: sballard@pregodonnell.com

*Attorneys for J.R. Hayes & Sons, Inc.*

WILLIAMS, KASTNER & GIBBS PLLC

CLEMENT & DROTZ, PLLC

By: s/Dean G. von Kallenbach

By: s/Theresa Rava

Dean G. von Kallenbach, WSBA  
#12870  
Theresa Rava, WSBA #53159  
601 Union Street, Suite 4100  
Seattle, WA 98101-2380  
Telephone: 206-628-6600  
Fax: 206-628-6611  
Email: dvonkallenbach@williamskastner.com  
Email: trava@williamskastner.com

By: s/W. Scott Clement

By: s/Brent Hardy

W. Scott Clement, WSBA #16243  
Brent Hardy, WSBA #45405  
100 W. Harrison Street, Suite N350  
Seattle, WA 98119  
Telephone: 206-448-2565  
Fax: 206-448-2235  
Email: sclement@clementdrotz.com  
Email: bhardy@clementdrotz.com

*Attorneys for Joshua Freed*

*Attorneys for Element Residential Inc.,  
Terra Talus, LLC and Joshua Freed*

FORSBERG & UMLAUF, P.S.

WILSON SMITH COCHRAN DICKERSON

By: s/A. Grant Ligg

By: s/Vicky L. Strada

A. Grant Ligg, WSBA #24227  
Vicky L. Strada, WSBA #34559  
901 Fifth Avenue, Suite 1400  
Telephone: 206-689-8500  
Email: glingg@foum.law  
Email: vstrada@foum.law

By: s/Whitney L.C. Smith

By: s/Gabriella Wagner

By: s/Brian Buron

Whitney L.C. Smith, WSBA #21159  
Gabriella Wagner, WSBA #42898  
Brian Buron, WSBA #27206  
901 5<sup>th</sup> Ave., Suite 1700  
Seattle, WA 98164-2050

*Attorneys for Terra Associates, Inc.*

Telephone: 206-623-4100  
Fax: 206-623-9273  
Email: smithw@wscd.com  
Email: wagner@wscd.com  
Email: buron@wscd.com

*Attorneys Terra Talus, LLC*

OLES MORRISON RINKER & BAKER  
LLP

FLOYD PFLUEGER & RINGER, P.S.

By: s/Bradley L. Powell

Bradley L. Powell, WSBA #11158  
701 Pike Street, Suite 1700  
Seattle, WA 98101  
Telephone: 206-623-3427  
Email: powell@oles.com

By: s/Douglas K. Weigel

By: s/Amanda D. Daylong

Douglas K. Weigel, WSBA #27192  
Amanda D. Daylong, WSBA #48013  
200 W. Thomas Street, Suite 500  
Seattle, WA 98119  
Telephone: 206-441-4455  
Email: dweigel@floyd-ringer.com  
Email: adaylong@floyd-ringer.com

*Attorneys for Kulchin Foundation Drilling  
Company*

*Attorneys for Big Mountain Enterprises*